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May 21, 1996

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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MAY 21 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the matter of)
)
Implementation of Section 207 of the)
Telecommunications Act of 1996)
)
Restrictions on Over-the-Air Reception)
Devices: Television Broadcast and Multichannel)
Multipoint Distribution Services)

CS Docket No. 96-83

Dear Mr. Caton:

Transmitted herewith, on behalf of ComTech Associates, Inc., are an original and eleven copies of ComTech's reply comments in the above captioned Notice of Proposed Rulemaking. Should you have any questions, please do not hesitate to contact me at the above number, or Jason Priest, Vice President, Finance, ComTech Associates, Inc., at (214)432-9123.

Sincerely,



Joel Bernstein
Attorney for ComTech Associates, Inc.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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Restrictions on Over-the-Air Reception)
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Multipoint Distribution Services)

To: The Commission

Reply Comments of ComTech Associates, Inc.

ComTech Associates, Inc., ("ComTech") by its attorney, hereby submits Reply Comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding.

The comments received in response to the NPRM tend to support ComTech's request that Local Multipoint Distribution Service ("LMDS") transmit and receive antennas be included in the Commission's rules preempting restrictions on over-the-air reception devices. Several parties, including ComTech asserted that the Commission should not limit itself to only television broadcast ("TVBS") and Multichannel Multipoint Distribution Services ("MMDS") antennas, but should also include LMDS antennas.^{1/} Others urged that the Commission include transmit and receive antennas for these services as well, noting that the Commission preempted local zoning and non-governmental restrictions on Direct Broadcast

^{1/} See Comments of CellularVision USA, Inc. and Comments of Bell Atlantic at pages 5-6.

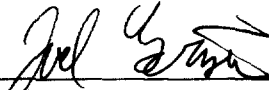
Satellite transmit and receive antennas.^{2/} No parties requested that the Commission limit its preemption strictly to current TVBS and MMDS antennas currently available, or to current over-the-air reception technologies. Having stated the public policy reasons in our Comments, and noting that there were no comments opposing inclusion of LMDS transmit and receive antennas, ComTech respectfully requests that the Commission include LMDS transmit and receive antennas in its rules preempting restrictions on over-the-air reception devices.

ComTech notes that several parties requested that the Commission adopt a *per se* preemption of these restrictions.^{3/} While ComTech's proposed rule attached to our Comments did not propose a *per se* approach, we recognize that Section 207 of the Telecommunications Act of 1996 permits the Commission to adopt such an approach. If the Commission should adopt a *per se* approach, ComTech respectfully requests that the Commission include LMDS transmit and receive antennas in such a *per se* rule preempting local zoning and non-governmental restrictions on over-the-air reception devices. ComTech still believes, however, that the Commission's approach in the NPRM, as long as it includes LMDS transmit and receive antennas, is adequate for our purposes.

^{2/} See Joint Comments of Pacific Bell Video Services and Cross Country Wireless, Inc. at page 2.

^{3/} See *e.g.* Joint Comments of CAI Wireless Systems, Inc. and CS Wireless Systems, Inc. at pages 5-6, and Comments of The Wireless Cable Association International, Inc. at pages 7-14.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joel Bernstein", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I, Cathy L. McCoy hereby certify that on the 21st day of May, 1996, a true copy of the foregoing Reply Comments of ComTech Associates, Inc. was mailed, postage prepaid, to the following:

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